

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
EHSB TECHNOLOGY INC.,	:	
	:	
Plaintiff,	:	
	:	22-CV-5927 (VSB)
v.	:	
	:	<u>ORDER</u>
DAVID FELBERBAUM, and PLAY	:	
UNIQUE,	:	
	:	
Defendants.	:	
	X	

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff Ehsh Technology Inc.’s (1) Ex Parte Motion for Temporary Restraining Order, (Doc. 11), Memorandum of Law in Support of Ex Parte Application for TRO, (Doc. 12), Declaration of Lizhen Luo, (Doc. 12-1), OGHom Trademark Registration, (Doc. 12-2), Plaintiff’s Email Communications with the Defendant, (Doc. 12-3), Plaintiff’s Cease-and-Desist Letter, (Doc. 12-4), and the Proposed TRO and Scheduling Order, (Doc. 12-5.) Plaintiff fails to provide sufficient evidence as to why this Court may exercise personal jurisdiction over Defendants. Furthermore, Plaintiff has not demonstrated irreparable harm or why a preliminary injunction or temporary restraining order, both of which are “extraordinary remed[ies],” should issue in this case, which is a burden that a “party seeking [such an order] must demonstrate by a clear showing.” *See Fair Hous. Just. Ctr., Inc. v. Cuomo*, 18-CV-3196 (VSB), 2018 WL 4565152, at *10 (S.D.N.Y. Sept. 24, 2018). Accordingly, it is hereby

ORDERED that Plaintiff’s Ex Parte Motion for Temporary Restraining Order is DENIED without prejudice.

IT IS FURTHER ORDERED that a hearing shall be held on September 26, 2022 at

3:30 p.m. in which Plaintiff may present their arguments in support of its request for issuance of a temporary restraining order, including whether Plaintiff identified any allegedly counterfeit products that were in fact shipped to New York. At such time, any Defendant may also be heard in opposition to Plaintiff's Application.

IT IS FURTHER ORDERED that Plaintiff email a copy of this Order to Defendant David Felberbaum by September 13, 2022.

SO ORDERED.

Dated: September 12, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first name "Vernon" is written with a large, looping 'V' and the last name "Broderick" is written in a similar cursive style.

Vernon S. Broderick
United States District Judge